IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 4689 of 1998

Between:

K.Malla Reddy, S/o Bal Reddy,
R/o LIG-45, APIIC Colony,
I.D.A.Jeedimetla, Hyderabad-55,R.R.District.

..... PETITIONER

AND

1 The Chairman & Managing Director, A.P.I.I.C.,Ltd., Parishrama Bhavan,6th Floor,F.M.Rd., Basheerabagh,Hyderabad-29
2 The Executive Director(E),APIIC.,Ltd.,Parishrama Bhavan
6th Floor,Fateh Maidan Road,Hyderabad-29
3 The Zonal Manager, APIIC., Ltd., Industrial Estate,
Sanathnagar, Hyderabad-500 018.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction of Writ, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in demolishing the Petitioners premises No.21-472/4/B of A.P.I.I.C., Colony (P.V.Nagar), I.D.A., Jeedimetla, Hyderabad, Ranga Reddy District without any prior notice and issuing the letter No.6539/B6/DW/D1/91, dt.28-1-98 as arbitrary, illegal, null and void and consequently direct the respondents to allot the Plot Numbers 94 & 95 in Block-V of A.P.I.I.C., Colony, (P.V.Nagar) I.D.A., Jeedimetla, Hyderabad, Ranga Reddy District, which are on the back side of the said demolished premises on the cost fixed by the respondents as fixed in the case of the persons similarly places and pay the compensation of Rs.2,00,000/- to the petitioner.

Counsel for the Petitioner: MR.SHAIK ANWAR PASHA

Counsel for the Respondents: MR.P.RAMABHOOPAL REDDY

The Court made the following :

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO. 4689 of 1998

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in demolishing the petitioner's premises bearing No.21-472/4/B of A.P.I.I.C. Colony (P.V. Nagar), I.D.A, Jeedimetla, Hyderabad, Ranga Reddy District as arbitrary and illegal and consequently direct the respondents to allot Plot Numbers 94 & 95 in Block-V of A.P.I.I.C., Colony, (P.V.Nagar) I.D.A., Jeedimetla, Hyderabad, Ranga Reddy District, which are on the back side of the said demolished premises on the cost fixed by the respondents in the case of the persons similarly placed and to pay compensation of Rs.2,00,000/- to the petitioner.

The case of the petitioner is that he is staying in an extent of 50 square yards at A.P.I.I.C. Colony (P.V. Nagar), I.D.A., Jeedimetla, Hyderabad by erecting permanent construction and carrying on business since 1983 in the name and style of Venkateswara Electricals and Contractors and the said premises was given a house number being H.No.21-472/4/B and that he has been paying property tax since 1993 onwards. However, the respondents have demolished the said premises without issuing any notice or without providing any alternate accommodation, causing loss of Rs.2,00,000/-. Subsequently, the petitioner made representations to the respondents requesting them to pay a sum of Rs.2,00,000/- towards compensation or to allot alternate Plot Nos.94 and 95, which are on the backside of the said demolished premises. The 2nd respondent had rejected the representation by letter dated 28.1.1998.

A detailed counter-affidavit has been filed on behalf of the respondents stating that the petitioner encroached into the corporation land highhandedly and put up a semi permanent structure without obtaining permission from the Corporation. It is further stated that mere payment of property tax by the petitioner to the Qutubullapur Municipality does not entitle him to continue with the illegal encroachment or it will not bestow any title on him. It is further stated that the

petitioner was issued notice dated 22.4.1997 by the Corporation for removal of encroachment, but he failed to comply with the same. Therefore, all the encroachments were removed including that of the petitioner. It is further stated that the petitioner made a representation dated 7.6.1997 after the demolition of his shop, which was rejected as the premises nearby APIIC Housing complex cannot be allotted. It is further stated that the petitioner was allotted plot No.74, but he got issued legal notice dated 24.1.2000 stating that he is not interested to take the said plot and demanded for allotment of another plots Nos.94 and 95 which were allotted to others. The petitioner does not have any right to claim for allotment of a particular plot of his choice and at his price.

Heard both sides.

The petitioner was served with a notice dated 22.4.1997, but he did not give any reply. This is not disputed by the petitioner. Admittedly the petitioner is an encroacher. Simply because he was paying property tax to the municipality, it does not confer any authority, right whatsoever on the petitioner to continue in the premises. However, the petitioner was allotted plot No.74 by a provisional allotment letter dated 31.8.1998 of Corporation, but he refused to take the plot and demanded allotment of another plot Nos.94 and 95, which were allotted already to others. In this view of the matter, I do not find any merit in the writ petition. However, considering the fact that the petitioner was doing business in the premises since 1983, the respondents may consider allotment of alternate plot, if available, and pass appropriate orders on the representation made by the petitioner in accordance with law.

The writ petition is accordingly disposed of. No costs.

9.12.2004

Gsn.

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1. The Chairman & Managing Director,

A.P.I.I.C., Ltd., Parishrama Bhavan, 6th Floor, F.M.Road.,
Basheerbagh, Hyderabad-29

2 The Executive Director(E), APIIC., Ltd., Parishrama Bhavan, 6th Floor, Fateh Maidan Road, Hyderabad-29

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4 Two CD copies.